

ADRMOP,CONSENT,REFSET-TSH

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:17-cv-05273-KAW**

Sierra Club v. U.S. Department of Homeland Security et al
Assigned to: Magistrate Judge Kandis A. Westmore
Referred to: Magistrate Judge Thomas S. Hixson (Settlement)
Cause: 05:552 Freedom of Information Act

Date Filed: 09/12/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Sierra Club

represented by **Andrea S Issod**
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612
415-977-5544
Email: andrea.issod@sierraclub.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua Douglas Smith
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612
United Sta
(415) 977-5560
Email: joshua.smith@sierraclub.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marta R. Darby
Sierra Club
2101 Webster St.
Ste. 1300
Oakland, CA 94612
415-977-5779
Email: marta.darby@sierraclub.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Homeland Security

represented by **David Alejandro Pereda**
United States Attorney's Office
Civil Division
1301 Clay Street
Oakland, CA 94612
(510) 637-3701
Fax: (510) 637-3724
Email: david.pereda@usdoj.gov
TERMINATED: 01/23/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie Bibb Davis
United States Attorney's Office
450 Golden Gate Ave
San Francisco, CA 94102
415-436-7066

Fax: 415-436-7169
 Email: Julie.Davis@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ann Marie Reding
 United States Attorney's Office
 Northern District of California
 450 Golden Gate Avenue
 P.O. Box 36055
 San Francisco, CA 94102-3495
 (415) 436-6813
 Fax: (415) 436-6748
 Email: annie.reding@usdoj.gov
TERMINATED: 06/28/2018

Defendant**U.S. Customs and Border Protection**

represented by **David Alejandro Pereda**
 (See above for address)
TERMINATED: 01/23/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie Bibb Davis
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ann Marie Reding
 (See above for address)
TERMINATED: 06/28/2018

Date Filed	#	Docket Text
09/12/2017	<u>1</u>	COMPLAINT against U.S. Customs and Border Protection, U.S. Department of Homeland Security (Filing fee \$ 400, receipt number 0971-11708843.). Filed by Sierra Club. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Civil Cover Sheet)(Darby, Marta) (Filed on 9/12/2017) (Entered: 09/12/2017)
09/12/2017	<u>2</u>	Proposed Summons. (Darby, Marta) (Filed on 9/12/2017) (Entered: 09/12/2017)
09/12/2017	3	Case assigned to Magistrate Judge Kandis A. Westmore. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 9/26/2017. (cv, COURT STAFF) (Filed on 9/12/2017) (Entered: 09/12/2017)
09/13/2017	<u>4</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 12/5/2017. Initial Case Management Conference set for 12/12/2017 01:30 PM in Courtroom 4, 3rd Floor, Oakland. (jmlS, COURT STAFF) (Filed on 9/13/2017) (Entered: 09/13/2017)
09/13/2017		Electronic filing error. Only one Summons will be issued in each case. Please list all defendants on one summons, using additional pages if necessary, and re-file in its entirety. Re: <u>2</u> Proposed Summons filed by Sierra Club (jmlS, COURT STAFF) (Filed

		on 9/13/2017) (Entered: 09/13/2017)
09/13/2017	<u>5</u>	Proposed Summons. (Darby, Marta) (Filed on 9/13/2017) (Entered: 09/13/2017)
09/13/2017	<u>6</u>	Summons Issued as to U.S. Customs and Border Protection, U.S. Department of Homeland Security, U.S. Attorney and U.S. Attorney General (jmlS, COURT STAFF) (Filed on 9/13/2017) (Entered: 09/13/2017)
09/15/2017	<u>7</u>	CERTIFICATE OF SERVICE by Sierra Club (Darby, Marta) (Filed on 9/15/2017) (Entered: 09/15/2017)
09/20/2017	<u>8</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Sierra Club.. (Darby, Marta) (Filed on 9/20/2017) (Entered: 09/20/2017)
10/18/2017	<u>9</u>	ANSWER to Complaint byU.S. Department of Homeland Security. (Pereda, David) (Filed on 10/18/2017) (Entered: 10/18/2017)
10/19/2017	<u>10</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by U.S. Department of Homeland Security.. (Pereda, David) (Filed on 10/19/2017) (Entered: 10/19/2017)
11/01/2017	<u>11</u>	<i>Amended</i> ANSWER to Complaint byU.S. Department of Homeland Security. (Pereda, David) (Filed on 11/1/2017) (Entered: 11/01/2017)
11/01/2017	<u>12</u>	NOTICE of Appearance by Andrea S Issod (Issod, Andrea) (Filed on 11/1/2017) (Entered: 11/01/2017)
11/09/2017	<u>13</u>	SUMMONS Returned Executed (FOIA) by Sierra Club. All Defendants. (Darby, Marta) (Filed on 11/9/2017) (Entered: 11/09/2017)
11/20/2017	<u>14</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3–5 d) (Pereda, David) (Filed on 11/20/2017) (Entered: 11/20/2017)
11/20/2017	<u>15</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Darby, Marta) (Filed on 11/20/2017) (Entered: 11/20/2017)
11/21/2017	<u>16</u>	ADR Clerk's Notice Setting ADR Phone Conference on Thursday, December 7, 2017, at 2:00 PM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (af, COURT STAFF) (Filed on 11/21/2017) (Entered: 11/21/2017)
12/04/2017	<u>17</u>	STIPULATION WITH PROPOSED ORDER filed by Sierra Club. (Attachments: # <u>1</u> Attachment A)(Darby, Marta) (Filed on 12/4/2017) (Entered: 12/04/2017)
12/05/2017	<u>18</u>	STIPULATION AND ORDER FOR LEAVE TO FILE FIRST AMENDED COMPLAINT re <u>17</u> . STIPULATION WITH PROPOSED ORDER filed by Sierra Club. Signed by Magistrate Judge Kandis A. Westmore on 12/5/17. (sisS, COURT STAFF) (Filed on 12/5/2017) (Entered: 12/05/2017)
12/05/2017	<u>19</u>	JOINT CASE MANAGEMENT STATEMENT filed by U.S. Department of Homeland Security, U.S. Customs and Border Patrol and Sierra Club. (Pereda, David) (Filed on 12/5/2017) Modified on 12/6/2017 (jmlS, COURT STAFF). (Entered: 12/05/2017)
12/07/2017	<u>20</u>	ADR Remark: ADR Phone Conference held on 12/7/2017 by Tamara Lange. (af, COURT STAFF) (Filed on 12/7/2017) (<i>This is a text–only entry generated by the court. There is no document associated with this entry.</i>) (Entered: 12/07/2017)
12/08/2017	<u>21</u>	CLERK'S NOTICE – Case Management Conference will be held in Courtroom 5 on the 2nd floor. (This is a text only docket entry, there is no document associated with this notice.) (sisS, COURT STAFF) (Filed on 12/8/2017) (Entered: 12/08/2017)
12/12/2017	<u>22</u>	AMENDED COMPLAINT <i>FOR DECLARTORY AND INJUNCTIVE RELIEF</i> against All Defendants. Filed bySierra Club. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H)(Darby, Marta) (Filed

		on 12/12/2017) (Entered: 12/12/2017)
12/12/2017	<u>23</u>	Minute Entry for proceedings held before Magistrate Judge Kandis A. Westmore: Initial Case Management Conference held on 12/12/2017. Matter referred to magistrate judge for settlement. Case Management Statement due by 4/17/2018. Further Case Management Conference set for 4/24/2018 01:30 PM in Courtroom 4, 3rd Floor, Oakland.FTR Time: 1:49–1:58. (sisS, COURT STAFF) (Date Filed: 12/12/2017) (Entered: 12/13/2017)
12/13/2017		CASE REFERRED to Magistrate Judge Maria–Elena James for Settlement (ahm, COURT STAFF) (Filed on 12/13/2017) (Entered: 12/13/2017)
12/15/2017	<u>24</u>	Order Setting Settlement Conference before Magistrate Judge: Settlement Conference set for 4/3/2018 at 10:00 a.m. Signed by Magistrate Judge Maria–Elena James on 12/15/2017. (rmm2S, COURT STAFF) (Filed on 12/15/2017) (Entered: 12/15/2017)
01/11/2018	<u>25</u>	ANSWER to Amended Complaint by U.S. Department of Homeland Security. (Pereda, David) (Filed on 1/11/2018) (Entered: 01/11/2018)
01/23/2018	<u>26</u>	NOTICE of Substitution of Counsel by Ann Marie Reding (Reding, Ann) (Filed on 1/23/2018) (Entered: 01/23/2018)
03/27/2018	<u>27</u>	STIPULATION WITH PROPOSED ORDER re <u>23</u> Case Management Conference – Initial,, Set Deadlines/Hearings, <u>24</u> Order Setting Settlement Conference filed by U.S. Customs and Border Protection, U.S. Department of Homeland Security and Sierra Club. (Reding, Ann) (Filed on 3/27/2018) Modified on 3/28/2018 (jmlS, COURT STAFF). (Entered: 03/27/2018)
03/29/2018	<u>28</u>	STIPULATION AND ORDER re <u>27</u> . STIPULATION WITH PROPOSED ORDER re <u>23</u> Case Management Conference – Initial, Set Deadlines/Hearings, <u>24</u> Order Setting Settlement Conference filed by U.S. Department of Homeland Security, U.S. Customs and Border Protection, Sierra Club. Settlement conference is vacated. Case Management Statement due by 7/10/2018. Further Case Management Conference set for 7/17/2018 01:30 PM. Signed by Magistrate Judge Kandis A. Westmore on 3/29/18. (sisS, COURT STAFF) (Filed on 3/29/2018) (Entered: 03/29/2018)
06/28/2018	<u>29</u>	NOTICE of Substitution of Counsel by Julie Bibb Davis (Davis, Julie) (Filed on 6/28/2018) (Entered: 06/28/2018)
07/10/2018	<u>30</u>	JOINT CASE MANAGEMENT STATEMENT filed by Sierra Club, U.S. Department of Homeland Security and U.S. Customs and Border Protection. (Darby, Marta) (Filed on 7/10/2018) Modified on 7/10/2018 (jmlS, COURT STAFF). (Entered: 07/10/2018)
07/10/2018	<u>31</u>	STIPULATION WITH PROPOSED ORDER re <u>28</u> Stipulation and Order,, Set Deadlines/Hearings,, Terminate Hearings,, filed by Sierra Club, U.S. Department of Homeland Security and U.S. Customs and Border Protection. (Darby, Marta) (Filed on 7/10/2018) Modified on 7/10/2018 (jmlS, COURT STAFF). (Entered: 07/10/2018)
07/16/2018	<u>32</u>	STIPULATION AND ORDER re <u>31</u> . STIPULATION WITH PROPOSED ORDER re <u>28</u> Stipulation and Order. Set Deadlines/Hearings, Terminate Hearings. filed by U.S. Department of Homeland Security, U.S. Customs and Border Protection, Sierra Club. Case Management Statement due by 8/14/2018. Further Case Management Conference set for 8/21/2018 01:30 PM in Oakland, Courtroom 4, 3rd Floor. Signed by Magistrate Judge Kandis A. Westmore on 7/16/18. (sisS, COURT STAFF) (Filed on 7/16/2018) (Entered: 07/16/2018)
08/07/2018	<u>33</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971–12574919.) filed by Sierra Club. (Attachments: # <u>1</u> Joshua Smith – Certificate of Good Standing Oregon State Bar)(Smith, Joshua) (Filed on 8/7/2018) (Entered: 08/07/2018)
08/08/2018	<u>34</u>	ORDER by Magistrate Judge Kandis A. Westmore granting <u>33</u> Motion for Pro Hac Vice for Joshua Smith. (sisS, COURT STAFF) (Filed on 8/8/2018) (Entered: 08/08/2018)

08/13/2018	<u>35</u>	STIPULATION WITH PROPOSED ORDER re <u>32</u> Stipulation and Order,,, Set Deadlines/Hearings,, filed by Sierra Club, U.S. Department of Homeland Security and U.S. Customs and Border Patrol. (Darby, Marta) (Filed on 8/13/2018) Modified on 8/14/2018 (jmlS, COURT STAFF). (Entered: 08/13/2018)
08/14/2018	<u>36</u>	STIPULATION AND ORDER re <u>35</u> . STIPULATION WITH PROPOSED ORDER re <u>32</u> Stipulation and Order, Set Deadlines/Hearings filed by U.S. Department of Homeland Security, U.S. Customs and Border Protection, Sierra Club. Case Management Statement due by 10/9/2018. Further Case Management Conference set for 10/16/2018 01:30 PM in Oakland, Courtroom 4, 3rd Floor. Signed by Magistrate Judge Kandis A. Westmore on 8/14/18. (sisS, COURT STAFF) (Filed on 8/14/2018) (Entered: 08/14/2018)
09/06/2018	<u>37</u>	CASE REFERRED to Magistrate Judge Thomas S. Hixson for Settlement. (tnS, COURT STAFF) (Filed on 9/6/2018) (Entered: 09/06/2018)
10/09/2018	<u>38</u>	JOINT CASE MANAGEMENT STATEMENT filed by Sierra Club, U.S. Department of Homeland Security and U.S. Customs and Border Protection. (Darby, Marta) (Filed on 10/9/2018) Modified on 10/10/2018 (jmlS, COURT STAFF). (Entered: 10/09/2018)
10/16/2018	<u>39</u>	PDF with attached Audio File. Court Date & Time [10/16/2018 1:47:28 PM]. File Size [6064 KB]. Run Time [00:12:38]. (courtspeak). (Entered: 10/16/2018)
10/16/2018	<u>40</u>	Minute Entry for proceedings held before Magistrate Judge Kandis A. Westmore: Further Case Management Conference held on 10/16/2018. Case Management Statement due by 1/22/2019. Further Case Management Conference set for 1/29/2019 01:30 PM in Oakland, Courtroom 4, 3rd Floor.FTR Time: 1:47–2:00. (sisS, COURT STAFF) (Date Filed: 10/16/2018) (Entered: 10/17/2018)
10/23/2018	41	CLERK'S NOTICE Scheduling a Pre–Telephonic Settlement Conference call: This case has been referred for a Settlement Conference before Magistrate Judge Thomas S. Hixson. A Telephonic conference is scheduled for Tuesday, October 30, 2018 at 2:30 p.m., before Magistrate Judge Thomas S. Hixson. Counsel shall be prepared to discuss the current status of this case, as well as schedule a Settlement Conference date. Counsel shall call into the following phone number: 1–888–684–8852/Passcode: 2925506 If any questions please contact the Courtroom Deputy, Rose Maher, by phone: 415–522–4708 or by email: Rose_Maher@cand.uscourts.gov <i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Filed on 10/23/2018) (Entered: 10/23/2018)
10/23/2018		Set/Reset Hearing re 41 Clerk's Notice: Telephone Conference set for 10/30/2018 02:30 PM before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 10/23/2018) (Entered: 10/23/2018)
10/30/2018	42	Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Pre–Telephonic Settlement Conference call held on 10/30/2018. FTR Time: Not Reported Total Time: 16 minutes Plaintiff's Attorney: Marta Darby, Esq., appearing by telephone. Defendant's Attorney: Julie Bibb Davis, AUSA, appearing by telephone Proceedings: Pre–Telephonic Settlement Conference called held. Final telephonic call scheduled for 12/4/2018 at 1:30 p.m. Counsel shall call the following phone number: 1–888–684–8852/Passcode: 2925506. Settlement Conference scheduled for 1/11/2019 at 10:00 a.m., in Courtroom A, 15th Floor, before Magistrate Judge Thomas S. Hixson. Settlement Conference

		<p>Statements shall be lodged, with Chambers, seven (7) days prior to the Settlement Conference. Court shall issue a Settlement Conference Order shortly.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 10/30/2018) (Entered: 10/30/2018)</p>
10/30/2018		<p>Set/Reset Hearing re 42 Telephone Conference: Pre-Telephone Settlement Conference call set for: 12/4/2018 at 1:30 p.m., in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 10/30/2018) Modified on 10/30/2018 (rmm2S, COURT STAFF). (Entered: 10/30/2018)</p>
10/30/2018		<p>Set/Reset Hearing re 42 Telephone Conference: Final Pre-Telephone Settlement Conference call set for 12/4/2018 01:30 PM before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 10/30/2018) (Entered: 10/30/2018)</p>
10/30/2018	<u>43</u>	<p>Order Setting Settlement Conference before Magistrate Judge : Settlement Conference set for 1/11/2019 10:00 AM in San Francisco, Courtroom A, 15th Floor. Signed by Judge Magistrate Judge Thomas S. Hixson on 10/30/2018. (Attachments: # <u>1</u> Standing Order)(rmm2S, COURT STAFF) (Filed on 10/30/2018) (Entered: 10/30/2018)</p>
12/04/2018	44	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Final Pre-Telephone Settlement Conference call held on 12/4/2018.</p> <p>FTR Time: Not Reported Total Time: 24 minutes</p> <p>Plaintiff Attorney: Marta R. Darby, Esq.</p> <p>Defendant Attorney: Julie Bibb Davis, AUSA.</p> <p>Proceedings: Pre-Settlement Telephone Conference Call held.</p> <p>Plaintiff's Counsel shall send its Proposal and Settlement Demand to Defendant's Counsel by 12/11/2018.</p> <p>Defendant's Counsel shall respond to Plaintiff's Proposal and Settlement Demand by 12/18/2018. Defendant shall also send its Proposed Schedule for all productions and its Settlement Demand to Plaintiff's Counsel by 12/18/2018.</p> <p>Both sides, in their Settlement Conference Statements shall set out a concrete plan for resolving the case, which would also include all the redactions.</p> <p>All documents shall be copied and sent by email to the Courtroom Deputy, Rose Maher, at the following email address: Rose_Maher@cand.uscourts.gov</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 12/4/2018) (Entered: 12/04/2018)</p>
12/30/2018	<u>45</u>	<p>ADMINISTRATIVE MOTION TO CONTINUE <i>DUE TO PARTIAL GOVERNMENT SHUTDOWN</i> filed by U.S. Customs and Border Protection, U.S. Department of Homeland Security. Responses due by 1/3/2019. (Attachments: # <u>1</u> Declaration)(Davis, Julie) (Filed on 12/30/2018) (Entered: 12/30/2018)</p>